



October 15, 2004

VIA ELECTRONIC FILING

EX PARTE

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: TRO Remand; CC Docket Nos. 01-338; WC Docket 04-313

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, CompTel/ASCENT hereby gives notice that on October 14, 2004, Carol Ann Bischoff, Jonathan Lee and the undersigned met with Jeffrey Carlisle, Diane Griffin, Rich Lerner and Pam Arluk to discuss the comments CompTel/ASCENT filed in the above-captioned proceeding relating to the adoption of permanent unbundling rules in the wake of *USTA II*. CompTel/ASCENT distributed copies of the attached power point presentation at the meeting.

Respectfully submitted,

Mary C. Albert
Vice President, Regulatory Policy

cc: Jeffrey Carlisle
Richard Lerner
Diane Griffin
Pamela Arluk



CompTel/ASCENT Issues
Briefing

October 14, 2004

CompTel/ASCENT

- CompTel (the Competitive Telecommunications Association) was founded in 1982, and is the oldest and largest industry association. CompTel was founded by the first network-based long distance companies to provide services in competition with AT&T.
- CompTel/ASCENT was formed in 2003 by the merger of CompTel with the Association of Communications Enterprises (ASCENT), and today represents over 350 competitive carriers and their suppliers.

CompTel/ASCENT

- CompTel represents its members as an advocate for pro-competitive policies at the FCC, in Congress, and internationally.
- CompTel also provides education and trade promotion opportunities to its members through meetings/conferences and trade shows.

CompTel's Members

- CompTel represents the complete panoply of competitive telecommunications service providers:
 - CLECs: retail service providers serving the mass market (MetTel, InfoHighway) and the enterprise market (ITC^DeltaCom, Logix)
 - Wholesale Carriers: both long-haul/Internet backbone (WilTel, Broadwing) and local metro/Ethernet (Looking Glass, OnFiber)
 - VoIP Providers: both wholesale platform providers (Level 3, Sprint) and retail service providers (Vonage, Covad)

Policy Issues: Competitive Wholesale Markets

- The creation of a competitive wholesale transport market should be the Commission's primary policy goal. Local transport is a critical input for all intermodal, and intramodal, technologies.
- An efficient wholesale market for local transport is the best way to achieve the Chairman's goals that consumers benefit from cross-technology competition and that the nation's infrastructure is better fortified in case of natural disaster, or terrorist attack.

Developing Competitive Local Wholesale Markets

- The Commission can advance the Chairman's policy vision by making competitive local wholesale competition a priority in the following proceedings:
 - TRO Remand
 - Reiterate that wholesale competitors can access UNEs to provide exchange access services on a common carrier basis.
 - Preserve access to dark fiber by wholesale carriers.

Competitive Wholesale Markets

- TRO Remand (cont'd.):
 - Preserve viability of retail competitors by maintaining access to DS1/DS3 loops and transport.
 - Finally, where impairment is not found, and UNEs must be phased out, the Commission must adopt transition plans which encourage competitive wholesale alternatives.
 - For example, if access to loops and transport is no longer necessary, because competitive alternatives are present, the ILEC should be required to perform circuit migrations to competitive carriers in a timely, effective manner.

Competitive Wholesale Markets

- Special Access:
 - Eliminate Exclusionary Terms and Conditions
 - Non-cost-based term liabilities that act as barriers to switching
 - High percentage commitments (requirements contracts)
 - Non-cost-based “first dollar” discounting
 - Adopt rigorous performance metrics
 - Eliminate pricing abuses

Additional CompTel Policy Issues

- TRO Remand
 - Mass Market Switching: Mass Market Competitors Are Clearly Impaired Without Access to Switching
 - AT&T's \$11B write-down to exit consumer market
 - If impairment not found, alternatives must favor development of wholesale switching market through strict hot-cut performance standards
- “Commercial Agreements”
 - Negotiated agreements are not exempt from the non-discrimination standards of the Act